

1 WILLIAM R. TAMAYO, Regional Attorney  
2 EQUAL EMPLOYMENT OPPORTUNITY  
3 COMMISSION

4 San Francisco District Office  
5 350 The Embarcadero, Suite 500  
6 San Francisco, CA 94105-1260

7 JOHN STANLEY, Supervisory Trial Attorney  
8 CARMEN FLORES, Senior Trial Attorney  
9 MAY CHE, Senior Trial Attorney  
10 JAMAL WHITEHEAD, Senior Trial Attorney  
11 EQUAL EMPLOYMENT OPPORTUNITY  
12 COMMISSION

13 Seattle Field Office  
14 909 First Avenue, Suite 400  
15 Seattle, WA 98104  
16 Tel: 206.220.6912  
17 jamal.whitehead@eeoc.gov

18 ATTORNEYS FOR PLAINTIFF EEOC

19 IN THE UNITED STATES DISTRICT COURT  
20 FOR THE EASTERN DISTRICT OF WASHINGTON

21 EQUAL EMPLOYMENT  
22 OPPORTUNITY COMMISSION,

23 Plaintiff,

24 v.

25 NATIONAL FOOD CORPORATION,

Defendant.

CIVIL ACTION NO. CV-12-550-TOR

COMPLAINT

JURY TRIAL DEMAND

## NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex, and to provide appropriate relief to the Charging Party in EEOC Charge Number 551-2010-01463(hereinafter, “Jane Doe”) and a class of similarly situated employees, including but not limited to: Leslie Silva, Ramiro Moran, Magdalena Saldaña, and Maria Gomez. The Equal Employment Opportunity Commission alleges that defendant National Food Corporation subjected Jane Doe to a hostile work environment and disparate treatment because of her sex. The EEOC further alleges that National Food retaliated against Jane Doe in the terms and conditions of her work, terminated her employment because of her sex and in retaliation for complaining about the discrimination she suffered at National Food. In addition to Jane Doe, the Commission alleges that National Food retaliated against a class of similarly situated employees, including but not limited to Leslie Silva, Ramiro Moran, Magdalena Saldaña, and Maria Gomez for opposing National Food’s discriminatory practices, which included, among other things, terminating their employment or causing their constructive discharge.

The Commission seeks monetary relief, including non-pecuniary compensatory and punitive damages, and injunctive relief, for Jane Doe, Leslie

1 Silva, Ramiro Moran, Magdalena Saldaña, and Maria Gomez and similarly situated  
2 employees as result of the damages they suffered because of National Food's  
3 conduct.

4  
5 PARTIES

6 1. Plaintiff Equal Employment Opportunity Commission (the  
7 "Commission" or "EEOC"), is the agency of the United States of America charged  
8 with the administration, interpretation and enforcement of Title VII of the Civil  
9 Rights Act, as amended, and is expressly authorized to bring this action by Section  
10 706(f)(1) of Title VII, 42 U.S.C. §2000e-5(f)(1).  
11

12  
13 2. Defendant National Food Corporation ("National Food" or  
14 "Defendant") is a Washington Corporation with its principle place of business in  
15 Everett, Washington.  
16

17 3. At all relevant times, National Food has been a corporation  
18 continuously doing business in the State of Washington and has continuously had  
19 at least 15 employees.  
20

21 4. At all relevant times, defendant National Food has continuously been  
22 an employer engaged in an industry affecting commerce within the meaning of  
23 Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e-(b), (g) and (h).  
24  
25

JURISDICTION AND VENUE

5. This Court is has jurisdiction over this action pursuant to 28 U.S.C. §§451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. sections 2000e-5(f)(1) and (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

6. Venue is proper in this Court because the employment practices alleged to be unlawful were committed in and around Lind, Washington, which is within the jurisdiction of the United States District Court for the Eastern District of Washington.

STATEMENT OF CLAIMS

7. More than thirty days prior to the institution of this lawsuit, Jane Doe, a female, filed a charge with the Commission alleging violations of Title VII by Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. From approximately May 2003 through late 2010, National Food engaged in unlawful employment practices at its Lind, Washington facility in violation of § 703(a) and §704(a) of Title VII, 42 U.S.C. § 2000e-2(a) and § 2000e-3(a). National Food engaged in these unlawful practices by subjecting Jane

1 Doe to a hostile work environment and disparate treatment because of her sex.  
2 National Food further engaged in unlawful practices by retaliating against Jane  
3 Doe in the terms and conditions of her work, and terminating Jane Doe because of  
4 her sex and in retaliation for complaining about the discrimination she suffered at  
5 National Food. In addition to Jane Doe, National Food retaliated against Leslie  
6 Silva, Ramiro Moran, Magdalena Saldaña, Maria Gomez, and a class of other  
7 employees for opposing National Food's discriminatory practices, which included  
8 among other things, discharging Ramiro Moran, Magdalena Saldaña, and Maria  
9 Gomez and causing Leslie Silva's constructive discharge.  
10  
11  
12

13 9. The practices by National Food complained of in paragraph 8 include,  
14 but are not limited to, the following: from at least May 2003 through February  
15 2010, National Food's Farm Manager demanded sexual favors as a condition of  
16 Jane Doe's employment and assigned her harder work, disciplined her unfairly,  
17 and terminated her employment when she rejected his sexual demands. In  
18 approximately July 2009, a meeting was held and employees, including the  
19 Production Manager, Jane Doe, Leslie Silva, Ramiro Moran, Magdalena Saldaña,  
20 Maria Gomez, and other current and former employees attended. During the  
21 meeting, the group complained about the Manager's sexually harassing conduct.  
22 Defendant was made aware of the hostile work environment that Jane Doe suffered  
23 and failed to take immediate and appropriate corrective action. Employees who  
24  
25

1 attended the July 2009 meeting were retaliated against, which included their  
2 discharge or constructive discharge.

3 10. The effect of the practices complained of in paragraphs 8 and 9 above  
4 has been to deprive Jane Doe, Leslie Silva, Ramiro Moran, Magdalena Saldaña,  
5 Maria Gomez, and similarly employees of their equal employment opportunities  
6 and otherwise adversely affected their status as employees.  
7

8 11. The unlawful employment practices complained of in paragraphs 8  
9 and 9 above were willful and intentional.  
10

11 12. The unlawful employment practices complained of in paragraphs 8  
12 and 9 above were done with malice or with reckless indifference to the federally  
13 protected rights of Jane Doe, Leslie Silva, Ramiro Moran, Magdalena Saldaña,  
14 Maria Gomez, and similarly situated employees.  
15  
16  
17

18 PRAYER FOR RELIEF

19 Wherefore, the Commission respectfully requests that this Court:  
20

21 A. Grant a permanent injunction enjoining Defendants, its officers,  
22 successors, agents, assigns, and all persons in active concert or participation with  
23 it, from engaging in any discriminatory employment practices.  
24  
25



1  
2 DATED this 28th day of September, 2012.

3 U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

4  
5 WILLIAM TAMAYO  
6 Regional Attorney

P. DAVID LOPEZ  
General Counsel

7 JOHN STANLEY  
8 Supervisory Trial Attorney

JAMES L. LEE  
Deputy General Counsel

9 JAMAL N. WHITEHEAD  
10 Senior Trial Attorney

GWENDOLYN Y. REAMS  
Associate General Counsel

11 MAY CHE  
12 Senior Trial Attorney

OFFICE OF THE GENERAL  
COUNSEL  
131 M Street, NE  
Washington, D.C. 20507

13 CARMEN FLORES  
14 Senior Trial Attorney

15  
16 BY: s/William R. Tamayo  
17 William R. Tamayo

18 *Attorneys for Plaintiffs*  
19  
20  
21  
22  
23  
24  
25